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PTO/SB/21 (09-04)

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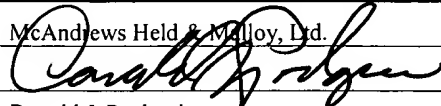
OTPE JC10  
JAN 24 2005  
PATENT & TRADEMARK OFFICE

<b>TRANSMITTAL FORM</b>  (to be used for all correspondence after initial filing)		Application Number	09/782,594
		Filing Date	February 12, 2001
		First Named Inventor	John R. Bianchi
		Art Unit	3738
		Examiner Name	Paul B. Prebille
		Attorney Docket Number	13980US02
Total Number of Pages in This Submission		14	

**ENCLOSURES (check all that apply)**

<input checked="" type="checkbox"/> Fee Transmittal Form <input checked="" type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input checked="" type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input checked="" type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Return-Receipt Postcard <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):
Remarks (1) Request For Continued Examination Under 37 C.F.R. Section 1.114; (2) Second Transmittal of Substitute Drawings Requested by the Examiner		

**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT**

Firm	McAndrews Held & Malloy, Ltd.
Signature	
Printed Name	Donald J. Pochopien
Date	January 20, 2005

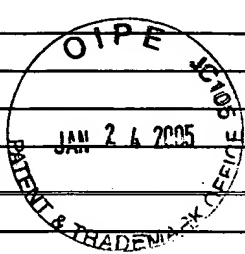
**CERTIFICATE OF MAILING**

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on 01/20/2005

Name (Print/type)	Donald J. Pochopien	Registration No. (Attorney/Agent)	32,167
Signature		Date	01/20/2005

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

<b>Effective on 12/08/2004.</b> <b>Fees pursuant to the consolidated Appropriates Act, 2005 (H.R. 4818).</b> <h1 style="margin: 0;">FEE TRANSMITTAL</h1> <h2 style="margin: 0;">for FY 2005</h2>		<b>Complete if Known</b>	
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27		Application Number	09/782,594
		Filing Date	February 12, 2001
		First Named Inventor	John R. Bianchi
		Examiner Name	Paul B. Prebilit
		Art Unit	3738
<b>TOTAL AMOUNT OF PAYMENT</b> (\$) 1,700.00		Attorney Docket No.	13980US02



**METHOD OF PAYMENT** (check all that apply)

☒ Check 
 ☐ Credit Card 
 ☐ Money Order 
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☒ Deposit Account 
 Deposit Account Number: 13-0017 
 Deposit Account Name: McAndrews Held & Malloy

For the above-identified deposit account, the Director is hereby authorized to (check all that apply)

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**FEE CALCULATION**

**1. BASIC FILING, SEARCH, AND EXAMINATION FEES**

Application Type	FILING FEES		SEARCH FEES		EXAMINATION FEES		Fees Paid(\$)
	Fee(\$)	Small Entity Fee(\$)	Fee(\$)	Small Entity Fee(\$)	Fee(\$)	Small Entity Fee(\$)	
Utility	300	150	500	250	200	100	
Design	200	100	100	50	130	65	
Plant	200	100	300	150	160	80	
Reissue	300	150	500	250	600	300	
Provisional	200	100	0	0	0	0	

**2. EXCESS CLAIM FEES**

Fee Description	Small Entity	
	Fee(\$)	Fee(\$)
Each claim over 20, or for Reissues, each claim over 20 and more than in the original patent	50	25
Each independent claim over 3 or, for Reissues, each independent claim more than in the original patent	200	100
Multiple dependent claims	360	180

**Total Claims** \_\_\_\_\_ -20 or HP \_\_\_\_\_ x **Fee(\$)** \_\_\_\_\_ = **Fee Paid (\$)** \_\_\_\_\_

HP = highest number of total claims paid for, if greater than 20

**Indep. Claims** \_\_\_\_\_ -3 or HP \_\_\_\_\_ x **Fee(\$)** \_\_\_\_\_ = **Fee Paid (\$)** \_\_\_\_\_

HP = highest number of independent claims paid for, if greater than 3

**3. APPLICATION SIZE FEE**

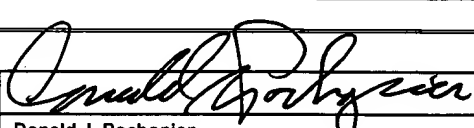
If the specification and drawings exceed 100 sheets of paper, the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof	Fee(\$)	Fee Paid(\$)
_____	_____	_____ /50 _____ (round up to a whole number)	x _____ =	_____

**4. OTHER FEE(S)**

	Fee Paid(\$)
Non-English Specification, \$130 fee (no small entity discount)	_____
★ Request For Continued Examination-\$790 and Three-Month Extension of Time (1 Month Already Paid)-\$910	1,700

**SUBMITTED BY**

Signature		Registration No. (Attorney/Agent)	32,167	Telephone	(312)775-8000
Name (print/type)	Donald J. Pochoplen	Date	01/20/2005		



ATTORNEY DOCKET NO. RTI 112R /1915-13980US02

IN THE UNITED STATES  
PATENT AND TRADEMARK OFFICE

In the Application of:

Bianchi, John R., *et al.*

Serial No.: 09/782,594

Filed: February 12, 2001

For: "Assembled Implant"

Group Art Unit: 3738

Examiner: Paul B. Prebilio

CERTIFICATE OF MAILING

I hereby certify that this document and all documents referred to herein are being sent by first class mail, postage prepaid, to the Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this date:

January 20, 2004

Donald J. Pochopien  
Registration No. 32,167  
Attorney for Applicants

SECOND TRANSMITTAL  
OF SUBSTITUTE DRAWINGS REQUESTED BY THE EXAMINER

Mail Stop RCE  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

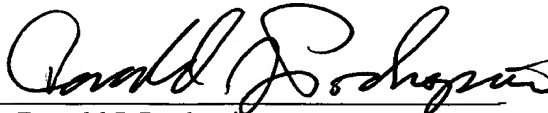
Sir:

In response to the Advisory Action of 01/04/05, wherein the Patent Office objected to the lack of cross-hatching in FIGs 6-7, 13-14, 18, 20C, 21D, 21E and 22D, Applicants attach hereto six (6) Substitute Sheets of Drawings (Sheets 3, 5, 6, 8, 9, and 10 /14) to be substituted for the originally filed Sheets 3, 5, 6, 8, 9, and 10 of 14.

The attached Substitute sheets of Drawings added appropriate cross-hatching to the cross-sectional drawings shown in FIGs 6-7, 13-14, 18, 20C, 21D, 21E and 22D. The appropriate cross hatching is as shown in the attached page of the MPEP at §608-02 for biochemical materials. No new matter has been added. Accordingly, this basis for objection to the drawings has been rendered moot.

Respectfully submitted,

**McANDREWS, HELD & MALLOY, LTD.**

By: 

Donald J. Pochopiën

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Attorney for Applicants

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Date: January 20, 2005

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